

**Meals Served to Students Placed in Schools
Not Participating in the National School Lunch Program**

Purpose:

This instruction sets forth the policy for meals served to children who are placed by a public school district in special schools or institutions (hereafter termed "pupil placement").

Scope:

Sponsors participating in the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP).

Definitions:

Definition of eligible school: Section 12(d)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(3)(NSLA) and Section 15(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(3)) define an eligible school as any public or nonprofit private school of high school grade or under, and any public or licensed nonprofit private residential child care institution. NSLP and SBP regulations found at 7 CFR 210.2 and 220.2 require that, in the case of public or nonprofit private schools and institutions, they must be recognized as part of the educational system in the State in order to be eligible schools for program purposes. For profit schools/institutions are not eligible to participate in the NSLP/SBP.

Definition of public placement: When a public school district is unable to provide needed services directly to children, it may contract with a school to provide the needed educational services. For example, public school districts may place children who are discipline problems in an alternative school or place disabled children in a specialized school. Under the terms of these contracts, the child's public school district (home district) pays the tuition to the school in which the student is placed. Although these children may be considered to be "enrolled" in the home district and may be included in the home district's State education funding formula, the children spend their entire school day at the placement school and are matriculated in that setting. Sometimes children from more than one public school district or even more than one State may use the services of a single school.

Description:

Only those meals served to children in an eligible "school" that participates in the NSLP and/or SBP may be reimbursed.

Claiming meals for children in pupil placement situations (including children with disabilities):

The key to whether the meals served to these children may be claimed for reimbursement depends on whether the school at which the meals is served participates in the NSLP/SBP. Meals may not be claimed for reimbursement by the placement school, the home district, or another participating school (even if the home district or another participating school provides the meal), if the meal is served in:

- Schools that are not eligible to participate in the NSLP/SBP, or
- Schools that choose not to participate.

If a school district places students in a school, which is not participating in the NSLP/SBP, the school district may wish to consider expanding then contract to meal service for its pupil placements. However, such meals are not reimbursable under the NSLP/SBP.

SOURCE: FNS POLICY MEMORANDUM #03-04, DATED DECEMBER 9, 2002, UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE.